

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.4501 OF 2002**

Janardhan Vasant Yadav

Petitioner

versus

Shri Vidyadhar Kanade & ors...

Respondents

Mr.Y.S.Jahagirdar,Sr.Adv with Mr.P.N.Patil for Petr

Mr.Balkrishna Joshi with A.A.Bhor for BMC nos.1 &2

Ms.P.S.Cardozo AGP for State

Mr.P.G.Karande with J.H.Sawant for Petr

in CA 1856/02 in WP 4501/02

CORAM : D.G.DESHPANDE AND

SMT.ROSHAN DALVI, JJ

DATED : 12th December, 2006

P.C.

1. The petitioner by this petition has challenged the order dated 14th August, 2002 pertaining to disqualification of the petitioner on the basis of the caste certificate. This order dated 14th August,2002 was passed by respondent no.1. In the

meantime, that is while this petition was pending, counsel for the petitioner today states that the claim of the petitioner that he belongs to nomadic tribe and OBC has been upheld by the caste scrutiny committee on 24th June, 2005 which entitles him now to contest the election. Advocate for the BMC states that notification of the ensuing election of BMC is likely to be published very shortly and if it is so, obviously the petitioner will be entitled to contest the election on the basis of the said certificate. Since the petitioner has a certificate issued by the competent authority upholding his claim, there cannot be any objection on the part of the BMC, for the petitioner to contest the said election.

2. Therefore, now nothing survives in the petition. This Petition No.4501 of 2002 was earlier dismissed by this Court. The petitioner approached the Supreme Court by Civil Appeal No.721 of 2006. The Supreme Court set aside the order of the High Court and remitted the matter to consider the effect of certain documents, the date of its operation and decide the matter afresh.

3. All the parties were ready to argue the matter

and we were also ready to hear the matter. In view
of this, petition does not survive and is disposed

(Smt R.S.Dalvi,J)

(D.G.Deshpande,J)